

2009 WL 6377817 (D.N.J.) (Verdict and Settlement Summary)

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United States District Court, D. New Jersey.

Matthew Everhart, Robert Fisher, Shawn Lavery, Thomas Piscotty, Jack Asencio, and Jeffrey Bissonnette
v. Board of Chosen Freeholders of the County of Sussex, Office of the Sussex County Sheriff and Robert
Uuntig, individually and in his official capacity of Sussex County Sheriff, the State of New Jersey

No. 2:07-cv-02650-FSH-PS

DATE OF VERDICT/SETTLEMENT: September 10, 2009

TOPIC: PRISONERS - EIGHTH AMENDMENT - CIVIL RIGHTS - [42 USC 1983](#)

Inmates Claimed Their Cell Was Inundated With Sewage

SUMMARY:

RESULT: Settlement

Award Total: \$25,830

The case settled for \$25,830, to be shared equally by the plaintiffs.

EXPERT WITNESSES:

ATTORNEYS:

Plaintiff: [Damiano M. Fracasso](#); Budd Lake, NJ (Jack Asencio, Jeffrey Bissonnette, Matthew Everhart, Robert Fisher, Shawn Lavery, Thomas Piscotty)

Defendant: [James M. McCreedy](#); Wiley, Malehorn & Sirota; Morristown, NJ (Sussex County Freeholders, Sussex County Sheriff, Robert Uuntig)

JUDGE: [Faith S. Hochberg](#)

RANGE AMOUNT: \$1-49,999

STATE: New Jersey

COUNTY: Not Applicable

INJURIES: The plaintiffs alleged that the defendants' indifference to their plight was a clear violation of judicially recognized standards of what constitutes unconstitutional conditions of prison confinement.

Facts:

On June 12, 2005, plaintiffs, Matthew Everhart, Robert Fisher, Shawn Lavery, Thomas Piscotty, Jack Asencio and Jeffrey Bissonnette, all inmates at the Sussex County Jail confined in the disciplinary unit, were allegedly subjected to cells, in which they had to live, eat and sleep, that were contaminated with backed-up sewage. The plaintiffs claimed this condition lasted for several days.

The six inmates sued the Board of Sussex County Chosen Freeholders, the Sussex County Sheriff's Office and Sheriff Robert Uuntig for violations of their civil rights.

The men contended that they continuously complained about the condition and specifically asked to be moved from the particular cells subject to the sewage problem, but their complaints and requests were ignored.

The defendants argued that the problem was not intentional and was apparently caused by another inmate flushing a blanket down a toilet.

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U.S. District Court, District of New Jersey, Newark

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